

In accordance with the foregoing, therefore, the Court directs as follows:

1. The Recommendation of the Magistrate Judge entered February 1, 2006 [doc 10] is rejected.
2. Case No. 7:05-cv-4 is dismissed. The Clerk is directed to close the case.
3. Case No. 7:05-cv-5 continues to be referred to the Magistrate Judge for such proceedings as may be appropriate, including such action as he deems appropriate on Plaintiff's letter to the Clerk which was docketed on February 27, 2006, as a Motion to Appoint Counsel and to Amend Complaint [doc 12].

**SO ORDERED**, this the 21<sup>st</sup> day of June, 2006.

**s/ Hugh Lawson**  
**HUGH LAWSON, JUDGE**

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